

# MONTANA

EQUAL PAY FOR EQUAL WORK

# TASK FORCE

## HB 306

REVISE UNEMPLOYMENT INSURANCE BENEFIT  
FOR VICTIMS OF DOMESTIC VIOLENCE

SPONSOR REP. JENNY ECK HD 79

### BACKGROUND INFORMATION

**Intimate partner violence is a leading cause of workplace fatality for women.**

- Nearly 33% of women killed in U.S. workplaces between 2003-2008 were killed by a current or former intimate partner.<sup>2</sup>
- Women are more likely than men to be victims of on-the-job intimate partner homicide. Current and former partners were responsible for the on-the-job deaths of 321 women and 38 men from 1997-2009.<sup>3</sup>

**Intimate partner violence results in lost economic productivity, impacting workers, employers, and the entire economy.** According to the National Violence Against Women Survey (NVAWS)<sup>4</sup>, funded by the National Institute of Justice and the CDC:

- 17.5% of victims who were physically assaulted, 21.5% who were raped, and 35.3% who were stalked lost time from paid work.
- U.S. women lose nearly 8 million days of paid work each year because of violence perpetrated against them by current or former husbands, cohabitants, dates, and boyfriends.

<sup>2</sup> Tiesman H, Gurka K, Konda S, Coben J, Amandus HE. (2012). Workplace Homicides Among U.S. Women: The Role of Intimate Partner Violence. *Ann Epidemiol*; 22:277-284. Available at: [http://www.annalsofepidemiology.org/article/S1047-2797\(12\)00024-5/abstract](http://www.annalsofepidemiology.org/article/S1047-2797(12)00024-5/abstract)

<sup>3</sup> U.S. Department of Labor, Bureau of Labor Statistics. 2010. Occupational Homicides by Selected Characteristics, 1997-2009. Available at: [http://www.bls.gov/iif/oshwc/cfoi/work\\_hom.pdf](http://www.bls.gov/iif/oshwc/cfoi/work_hom.pdf)

<sup>4</sup> Cost of Intimate Partner Violence Against Women in the United States. Available at: <http://www.cdc.gov/violenceprevention/pdf/ipvbook-a.pdf>

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### STATUS QUO

**MCA 39-51-2111 provides for unemployment insurance benefits for victims of domestic violence, sexual assault, or stalking.** If a victim leaves employment for their own protection or the protection of their children, they are eligible to receive up to 10 weeks of unemployment insurance benefits. Under ordinary circumstances, individuals eligible for benefits may receive up to 28 weeks of unemployment insurance payments.

The **individual must provide corroborative evidence** in the form of: (a) an order of protection or other documentation of equitable relief issued by a court of competent jurisdiction; (b) a police record documenting the domestic violence, sexual assault, or stalking; (c) medical documentation of domestic violence or a sexual assault; or (d) other documentation or certification of domestic violence, a sexual assault, or stalking provided by a social worker, clergy member, shelter worker, or professional person, as defined in 53-21-102, who has assisted the individual in dealing with domestic violence, a sexual assault, or stalking. An individual becomes ineligible for benefits if the individual remains in or returns to the abusive situation that caused the individual to leave work or be discharged.

**The 10-week limit for victims of domestic violence, sexual assault, or stalking imposes an unnecessary burden on workers who must leave employment for their own safety or the safety of their children.**

### SOLUTION

HB 306 removes the 10-week limitation on unemployment insurance benefits for workers unemployed due to domestic violence, sexual assault, or stalking.

**This bill provides essential economic stability to victims of intimate partner violence who may not otherwise be able to leave a violent situation due to dependence on their current employment.**

With this limitation removed, victims of domestic violence, sexual assault, and stalking are more empowered to leave an unsafe situation, relocate, and find reemployment free from their perpetrator. This bill will help to ensure that victims of intimate partner violence do not need to choose between their life and their livelihood.

Section (1)(b) of this statute states that **an employer will not be charged for the payment of benefits** paid to individuals who have left their job for their own or their children's safety.

Forty states provide unemployment insurance benefits for victims of domestic violence. Of these, Montana is the only state that reduces benefits to fewer weeks than the normal limit.<sup>1</sup>

<sup>1</sup>U.S. DOLETA Significant Provisions of State Unemployment Insurance Laws.

Available at: <http://www.workforcesecurity.doleta.gov/unemploy/pdf/uilawcompar/2014/nonmonetary.pdf>